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From: [Larry Jacobson](#)
To: [Steven A. Lamb](#); ["Thomas Rupp"](#)
Cc: [Larry Jacobson](#)
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry
Date: Thursday, January 18, 2024 3:24:28 PM
Attachments: [image001.png](#)
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[image003.png](#)
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[image021.png](#)
[image027.png](#)

Steve

I have been working with my client and my calendar to formulate a proposed schedule.

Regarding procedure, we agree that deposition notices may be served as between parties without subpoenas which I understood to be the situation in any event.

Determining dates of unavailability requires some assessment of what adjustments can be made in other matters.

I will respond further tomorrow or over the weekend regarding dates so we can file our Status Conference Statements on Monday for the Wednesday hearing.

At the moment I do not comment on your remark concerning December 4 other than to mention that the case has been active in the period since 12/4 with the holidays intervening as well.

Larry

Lawrence A. Jacobson
Cohen and Jacobson, LLP
66 Bovet Road, Suite 285
San Mateo, CA 94402
Office Phone: (650) 261-6280
Cell Phone: (650) 642-4906
Fax: (650) 745-0720
Email: laj@cohenandjacobson.com

From: Steven A. Lamb <slamb@rovenslamb.com>
Sent: Thursday, January 18, 2024 11:02 AM
To: Larry Jacobson <laj@cohenandjacobson.com>; 'Thomas Rupp' <trupp@kbkllp.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Mr. Jacobson:

As I explained in an earlier email, we are not available February 1st for a mediation. I am out of the country on a preplanned vacation the last week of January.

As I also explained, you have represented Claimant's view of case value in a mediation. That valuation is based on the Mateo appraisal. Because of the vast difference in valuation between the Mateo appraisal and the Patton appraisal, we believe that a mediation without the benefit of testing these divergent valuation assessments will not be fruitful.

I have repeatedly, since December 4th, requested that you provide us with the following:

1. Dates of availability for the Mateo deposition.
2. Dates of availability for the deposition of Mr. Shahmirza as an expert, based on the expert designation you submitted.
3. What PG&E experts Claimant desires to depose and proposed dates.
4. Whether Claimant will agree to accept notices of deposition in lieu of subpoenas.
5. Available dates for mediation after concluding expert depositions presently set for completion by March 1, 2024.
6. Dates of unavailability and proposed/pREFERRED dates to set this matter for trial if mediation is not successful in resolving this matter.

The Court has set a further status conference on January 24, 2023 at 10 a.m. We hoped to be able to prepare a joint status conference report. Given your lack of response we will unilaterally prepare a status conference report.

Regards
lamb

STEVEN A. LAMB

Rovens Lamb LLP

2601 Airport Drive, Suite 370

Torrance, CA 90505

Main Line/ 310.536.7830

Facsimile/310.872.5489

slamb@rovenslamb.com www.rovenslamb.com

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From: Larry Jacobson <ljaj@cohenandjacobson.com>

Sent: Wednesday, January 17, 2024 4:58 PM

To: Steven A. Lamb <slamb@rovenslamb.com>; 'Thomas Rupp' <trupp@kbkllp.com>

Cc: Larry Jacobson <ljaj@cohenandjacobson.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Steve

I am following up on my time-sensitive email below.

Please respond.

Larry

Lawrence A. Jacobson
Cohen and Jacobson, LLP
66 Bovet Road, Suite 285
San Mateo, CA 94402
Office Phone: (650) 261-6280
Cell Phone: (650) 642-4906
Fax: (650) 745-0720
Email: laj@cohenandjacobson.com

From: Larry Jacobson
Sent: Wednesday, January 17, 2024 12:35 PM
To: 'Steven A. Lamb' <slamb@rovenslamb.com>; 'Thomas Rupp' <trupp@kbkllp.com>
Cc: Larry Jacobson <laj@cohenandjacobson.com>
Subject: FW: Brad A. Bening, Esq. - Availability and Rate Inquiry

Steve

I've reviewed your recent emails to and from Joanna Barton, case manager for Mr. Bening, in which you solicited Mr. Bening's availability she provided the dates indicated below.

Again, Mr. Bening is not available for 2 ½ months.

As I understand that Michael Ornstil mediated other PG&E litigations, including fire cases, I inquired as to his availability.

Lisa Midel, Mr. Ornstil's case manager, advised this morning that Mr. Ornstil is available on February 1, 2024, due to a cancellation. Otherwise, he also is not available until April.

I propose to you that we schedule with Mr. Ornstil as that will provide the practical advantage of mediation prior to the necessity to conduct extensive discovery of all PG&E declarants with all their records concerning the reconstruction and relocation of the towers and lines as well as the depositions of the appraisers.

Mr. Ornstil's bio is at: <https://www.jamsadr.com/michael-ornstil/>.

Neither my client nor I have had any prior engagement with him.

Please advise as promptly as possible so that we can obtain the February 1 date while available.

Larry

Lawrence A. Jacobson
Cohen and Jacobson, LLP
66 Bovet Road, Suite 285

San Mateo, CA 94402
Office Phone: (650) 261-6280
Cell Phone: (650) 642-4906
Fax: (650) 745-0720
Email: laj@cohenandjacobson.com

From: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>
Sent: Tuesday, January 16, 2024 2:49 PM
To: Steven A. Lamb <slamb@rovenslamb.com>; Larry Jacobson <laj@cohenandjacobson.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear counsel,

Please find Mr. Bening's current availability for April and May 2024 below:

April 3, 8, 11, 15, 16, 18, 22, 24, 25, 29, 30
May 1, 2, 6, 7, 13, 15, 20, 21, 22, 28, 30

Please let me know if you would like to reserve any of the above dates, or if there is anything else I can assist with.

Best regards,

Robert Daffern | Front Desk Administrator

robert@adrservices.com | 408.280.7883
96 N 3rd Street | San Jose, California | 95112

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From: Steven A. Lamb <slamb@rovenslamb.com>
Sent: Tuesday, January 16, 2024 1:20 PM
To: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>; Larry Jacobson <laj@cohenandjacobson.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Can you please provide us with an updated list of availability regarding Mr. Bening?
Thanks

STEVEN A. LAMB
Rovens Lamb LLP
2601 Airport Drive, Suite 370
Torrance, CA 90505
Main Line/ 310.536.7830
Facsimile/310.872.5489
slamb@rovenslamb.com / www.rovenslamb.com

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From: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>
Sent: Thursday, January 11, 2024 5:39 PM
To: Steven A. Lamb <slamb@rovenslamb.com>; Larry Jacobson <laj@cohenandjacobson.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,
I am following up to see if you are ready to schedule this matter.

Please let me know if you need updated availability, or if there is anything else I can assist with.

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Best regards,

Robert Daffern | Front Desk Administrator

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From: Steven A. Lamb <slamb@rovenslamb.com>

Sent: Thursday, January 4, 2024 8:13 AM

To: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>; Larry Jacobson <ljaj@cohenandjacobson.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Ms. Barron:

PG&E is not available 2/14.

We still need to complete expert deposition and those are not due for completion until after 2/14/24.

PG&E's next open dates are: April 1, 4, 8, 9, or 11.

I have forwarded this to Mr. Jacobson for his availability.

Regards

lamb

STEVEN A. LAMB

Rovens Lamb LLP

2601 Airport Drive, Suite 370
Torrance, CA 90505
Main Line/ 310.536.7830
Facsimile/310.872.5489
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From: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>

Sent: Wednesday, January 3, 2024 1:08 PM

To: Larry Jacobson <lj@cohenandjacobson.com>; Steven A. Lamb <slamb@rovenslamb.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,

I am following up on the below.

I have placed a hold on February 14th with Mr. Bening accordingly. So that we can keep this matter on hold and finalize the reservation, please confirm the following, by no later than end of day tomorrow, January 4th (otherwise we will need to release the date to other inquiries):

1. How fees are to be allocated amongst the parties
2. Venue for the mediation (by Zoom video-conferencing, or in person at our San Francisco Office, San Jose Office, or Oakland office)
3. What time counsel would like the mediation to start (10:00 a.m. or 1:00 p.m.)

4. Whether it will be a full or half-day mediation

Once I have been provided with the above, our office will issue formal notice to all. Please note that preparation time for the hearing may increase if more than two parties participate in the Mediation.

Thank you and please let me know if you have any questions or if I can be of additional assistance.

Best regards,

Sejla Garbo | Case Manager

sejla@adrservices.com | 408.218.7633 | She/Her

96 N 3rd Street | San Jose, California | 95112

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From: Larry Jacobson <lj@cohenandjacobson.com>

Sent: Wednesday, January 3, 2024 12:59 PM

To: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>; Steven A. Lamb <slamb@rovenslamb.com>

Cc: Larry Jacobson <lj@cohenandjacobson.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Steve

2/14 is agreeable.

Larry

From: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>

Sent: Wednesday, January 3, 2024 10:44 AM

To: Steven A. Lamb <slamb@rovenslamb.com>

Cc: Larry Jacobson <lj@cohenandjacobson.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Mr. Lamb,

Certainly, Mr. Bening is available as follows:

February 14

March 5, 6

April 1, 4, 8, 9, 11, 15, 16, 18

Please let me know if I can be of any further assistance.

Best regards,

Sejla Garbo | Case Manager

sejla@adrservices.com | 408.218.7633

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From: Steven A. Lamb <slamb@rovenslamb.com>

Sent: Wednesday, January 3, 2024 10:28 AM

To: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>

Cc: Lawrence A. Jacobson (laj@cohenandjacobson.com) <laj@cohenandjacobson.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Please provide us with updated availability for Mr. Bening to serve as a mediator in the *Shahmirza v. PG&E* matter.

Regards
lamb

STEVEN A. LAMB

Rovens Lamb LLP

2601 Airport Drive, Suite 370

Torrance, CA 90505

Main Line/ 310.536.7830
Facsimile/310.872.5489
slamb@rovenslamb.com www.rovenslamb.com

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From: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>

Sent: Thursday, December 28, 2023 5:00 PM

To: Steven A. Lamb <slamb@rovenslamb.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,
I am following up to see if you are ready to schedule this matter.

Please let me know if you need updated availability, or if there is anything else I can assist with.

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Best regards,

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robert@adrservices.com | 408.280.7883
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From: Joanna Barron Case Management Team2
Sent: Tuesday, December 19, 2023 5:04 PM
To: Steven A. Lamb <slamb@rovenslamb.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,
I am following up to see if you are ready to schedule this matter.

Please let me know if you need updated availability, or if there is anything else I can assist with.

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Best regards,

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From: Joanna Barron Case Management Team2
Sent: Monday, December 11, 2023 2:49 PM
To: Steven A. Lamb <slamb@rovenslamb.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Hi Mr. Lamb,

No problem at all, thank you for the update. Mr. Bening's current availability is as follows:

January – fully booked
February 14, 15, 19, 26, 28, 29
March 4, 5, 6

Thank you and please let me know if I can be of any further assistance.

Best regards,
Sejla Garbo | Case Manager

sejla@adrservices.com | 408.218.7633
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From: Steven A. Lamb <slamb@rovenslamb.com>
Sent: Monday, December 11, 2023 2:03 PM
To: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

My apologies. We have been dealing with motion practice and a significant hearing is set for December 19th in this matter.

Could you please advise of Mr. Bening's availability mid-January and post?

Thanks
lamb

STEVEN A. LAMB

Rovens Lamb LLP

2601 Airport Drive, Suite 370

Torrance, CA 90505

Main Line/ 310.536.7830

Facsimile/310.872.5489

slamb@rovenslamb.com / www.rovenslamb.com

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From: Joanna Barron Case Management Team2 <joannateam2@adrservices.com>

Sent: Friday, December 8, 2023 4:47 PM

To: Steven A. Lamb <slamb@rovenslamb.com>

Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,

I will be closing out this Inquiry.

Please let me know if I can be of any further assistance.

Best regards,

Robert Daffern | Front Desk Administrator

robert@adrservices.com | 408.280.7883

96 N 3rd Street | San Jose, California | 95112

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From: Joanna Barron Case Management Team2
Sent: Wednesday, November 29, 2023 5:27 PM
To: 'Steven A. Lamb' <slamb@rovenslamb.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,
Please be advised that this inquiry remains open in our system, and I wanted to follow up with you one more time before I close out the file.

Please let me know if you need updated availability, or if there is anything else I can assist with.

Unless otherwise advised, I will be closing out this inquiry, but please don't hesitate to contact me when you are ready to move forward with scheduling.

Thank you.

Best regards,

Robert Daffern | Front Desk Administrator

robert@adrservices.com | 408.280.7883
96 N 3rd Street | San Jose, California | 95112

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From: Joanna Barron Case Management Team2
Sent: Tuesday, November 14, 2023 10:57 AM
To: Steven A. Lamb <slamb@rovenslamb.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,
I am following up to see if you are ready to schedule this matter.

Please let me know if you need updated availability, or if there is anything else I can assist with.

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Best regards,

Robert Daffern | Front Desk Administrator

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From: Joanna Barron Case Management Team2
Sent: Friday, October 27, 2023 3:51 PM
To: Steven A. Lamb <slamb@rovenslamb.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,
I am following up to see if you were ready to schedule this matter with Brad Bening, Esq..

Mr. Bening's calendar is quickly filling, so please let me provide you with updated availability:

NEUTRAL	AVAILABILITY
Brad Bening, Esq. \$900/hour Mediation	November 9 December Fully Booked January 4 February 5, 6, 12, 13, 15, 20, 22, 26, 28, 29

Please let me know if you would like to reserve any of the above dates, or if there is anything else I can assist with.

Thank you.

Sincerely,
Natalie Kiele

Natalie Kiele Tuufuli, Receptionist and Assistant Case Manager

Pronouns – she/her/hers
natalie@adrservices.com | Tel: 415.772.0900
 100 First Street, 27th Floor, San Francisco, California 94105

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From: Joanna Barron Case Management Team2
Sent: Friday, October 13, 2023 3:06 PM
To: Steven A. Lamb <slamb@rovenslamb.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Counsel,

I am following up to see if you are ready to schedule this matter.

Please let me know if you need updated availability, or if there is anything else I can assist with.

ADR Services, Inc. is committed to providing you with the highest level of professional attention. We look forward to working with you.

Sincerely,
Natalie Kiele

Natalie Kiele Tuufuli, Receptionist and Assistant Case Manager

Pronouns – she/her/hers

natalie@adrservices.com | Tel: 415.772.0900

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From: Joanna Barron Case Management Team2
Sent: Thursday, September 21, 2023 12:59 PM
To: 'Steven A. Lamb' <slamb@rovenslamb.com>
Subject: RE: Brad A. Bening, Esq. - Availability and Rate Inquiry

Dear Mr. Lamb,

Thank you for contacting ADR Services, Inc. regarding Mr. Brad A. Bening, Esq. It was lovely to speak with you on the phone a moment ago and Mr. Bening would be happy to assist in this matter.

Below, please find Mr. Bening's upcoming availability to conduct a mediation:

NEUTRAL	AVAILABILITY
<p><u>Brad Bening, Esq.</u> \$900/hour Mediation; \$950/hour</p>	<p>November 30 December – none January 3, 4, 9, 10, 15, 16, 17, 18</p>

If there are any "must have" dates you prefer that are not listed above, please feel free to let me know, as Mr. Bening's calendar changes quickly, and it is possible those dates may open up. Additionally, please note that the above dates are being offered for alternate matters and, as such, may become unavailable soon.

The parties are welcome to conduct this matter on Zoom or in one of our offices. All virtual matters are assigned a dedicated Zoom Coordinator who is available to handle all of the logistics of each hearing.

Mr. Bening's Fee Schedule is attached for your reference. In addition to our neutral's hourly rates, ADR Services, Inc. bills a one-time non-refundable administrative fee of \$395 per party. For your convenience, I have hyperlinked Mr. Bening's resume and representative case summaries above.

Lastly, ADR Services, Inc. is proud to welcome our newest neutrals as noted in the attached brochure.

If you have any questions, please contact me. ADR Services, Inc. is committed to providing you with the highest level of professional attention. We look forward to working with you.

Kindly confirm receipt of this e-mail. Thank you.

Sincerely,

Sejla Garbo | Case Manager

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Pronouns – she/her/hers

sejla@adrservices.com | 408.218.7633

96 North Third Street, Suite 350, San Jose, California 95112

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From: Steven A. Lamb <slamb@rovenslamb.com>
Sent: Thursday, September 21, 2023 12:50 PM
To: Joanna Barron Case Management Team1 <joannateam1@adrservices.com>
Cc: Kathleen Emma <kathleen@adrservices.com>; Theresa Nguyen <theresa@adrservices.com>
Subject: Brad A. Bening, Esq. - Availability and Rate Inquiry

I represent PG&E
Claimant/Plaintiff is Komir, Inc. and Amir Shahmirza

Nature of dispute: property dispute regarding overhead transmission lines

Need to know of Mr. Bening's availability and rate sheet for November forward for the next few months

STEVEN A. LAMB
Rovens Lamb LLP
2601 Airport Drive, Suite 370
Torrance, CA 90505
Main Line/ 310.536.7830
Facsimile/310.872.5489
slamb@rovenslamb.com / www.rovenslamb.com

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